IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

W.P.(C).No.1548 of 2007(H)

PETITIONER:-

MITHUN ABRAHAM,
AMBAT HOUSE, ERUMELY P.O.,
KOTTAYAM DISTRICT.

BY ADV. SRI.A.JAYASANKAR
SRI.MANU GOVIND

RESPONDENTS:-

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1. GENERAL MANAGER,
   DISTRICT INDUSTRIES CENTRE,
   KOTTAYAM.

2. SENIOR CO-OPERATIVE INSPECTOR-I,
   DISTRICT INDUSTRIES CENTRE, KOTTAYAM,
   (RETURNING OFFICER FOR KOTTAYAM DISTRICT MINIO
   INDUSTRIAL ESTATE CO-OPERATIVE SOCIETY LTD.)

3. KOTTAYAM DISTRICT MINI INDUSTRIAL
   ESTATE CO-OPERATIVE SOCIETY LTD.NO.S. IND (K)162,
   KOTTAYAM, REPRESENTED BY ITS SECRETARY.

R1 & R2 BY SENIOR GOVERNMENT PLEADER SRI.P.N.SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 - TRUE COPY OF ELECTION NOTIFICATION DATED 16.12.2006 ISSUED BY 2ND RESPONDENT.

EXT.P2 - TRUE COPY OF OBJECTION DATED 6.1.2007 FILED BY THE PETITIONER BEFORE RESPONDENTS 1 AND 2.

RESPONDENT'S EXHIBITS: NIL.

- TRUE COPY -

K.Padmanabhan Nair,J.

W.P.(C).No.1548 of 2007-H

Dated, this the 23rd day of February, 2007

JUDGMENT

The petitioner, who is a member of the 3rd respondent Society, has filed this writ petition to quash an election notification. It is now admitted that no election took place in pursuance of the notification and the notification has elapsed. Necessarily, a fresh notification is to be issued. The challenge in this writ petition is regarding reservation of Vijayapuram Mini Industrial Estate for woman. Section 28A of the Kerala Co-operative Societies Act stipulates for the reservation of woman members and persons belonging to Scheduled Castes/ Scheduled Tribes in the Committee. The authority who is competent to make reservation is not specified in the Act. In **Udayakaran** v. **Ahammedkannu** (2004 [2] KLT 969), a Division Bench of this Court considered Section 28A and held that it is for the general body of the Society to take a decision as to which of the Constituency shall be reserved for woman or Scheduled Caste/Scheduled Tribe. So, it is for the general body of the Bank

to take a decision as to which of the Ward is to be declared as a reserved Constituency. So, if the petitioner has filed any petition before the Bank to convene a general body meeting, it shall take a decision in accordance with the provisions contained in the statute and also the principles laid down in **Udayakaran's case** (supra). It goes without saying that the Returning Officer will have to issue a fresh notification in accordance with the decision taken by the Bank on this aspect.

The writ petition is disposed of in the above terms.

K.Padmanabhan Nair
Judge

vku/-